IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 10829 OF 2004

Mahadeo P. Malli & ors ...Petitioner
versus
The State of Maharashtra ..... Respondent.

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Shri R.V. More for the petitioner
Shri S.R.Nargolkar AGP for State
Shri Pramod Patil for Respdt. no.3.

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CORAM; V.G. PALSHIKAR &
D.B. BHOSALE, JJ.

DTAED; 14TH SEPT., 2005.

P.C.:.

1. By this petition, the petitioner has prayed for direction to secure share amount of the petitioner lying with respondent no.3. Prayer is also made to direct the respondent no.2 restraining them from permitting the society to exercise any of the options mentioned in section 17 of the Act.

2. Notice why the petition be not admitted was issued and a detailed affidavit has been filed by the State wherein the following statement is made.

"It is submitted that the respondent no.3 has not granted sanction for conversion or

amalgamation of Respondent no.3 Spinning Mill into other project and no sanction will be granted for such action till all the claims of the members are satisfied as per demand by the members as per provisions of section 17 of the Maharashtra Cooperative Societies act 1960 and Rule 16 made thereunder"

3. In view of the specific statement on behalf of the State Government that unless the Government is satisfied that all the claims are settled and satisfied, no permission under section 17 of the Act or the Rules would be granted. It is also stated in the affidavit that the Government would take appropriate action in relation to defaults made by respondent no.3 in the matter of non payment or non refund of share capital to persons claiming it back. In this view of the matter, we see no reason why prayer (c) cannot be granted. Rule made absolute in terms of prayer (c). That is to say the respondents 1 and 2 are directed not to permit the amalgamtion of Respondent no.3 with Shri Vithal Sahakari Sheti Mal Prakriya Sanstha, OPancharpur, unless the respondent no.3 pays share amount of petitioners and similarly placed other members along with interest thereon till the realisation of amount who have exercised their option under sec. 17 of the Act. We

further make it clear that the Government shall be at liberty to take such other action as is necessary to meet the ends of justice. Petition accordingly disposed of.

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